

REMARKS

Claims 1-4 are pending.

Claims 1-4 are rejected.

The Applicants amended the specification to correct a typographical error where in paragraph 0065 of the published specification, previously listed Fig. 5 is amended to recite Fig. 3.

No new matter was entered in view of this amendment.

Rejection of Claims 1, 2 and 4 under 35 U.S.C. 103(a)

The Examiner rejected Claims 1, 2, and 4 under 35 U.S.C. 103(a) as being anticipated as being obvious over Diehl et al. (U.S. Publication 2003/0108206A1, hereafter referred to as ‘Diehl’) in view of Menezes et al. (“Handbook of Applied Cryptography, CRC Press Series on Discrete Mathematics and its Applications, Boca Raton, FL CRC Press, US. 1997, pgs. 497-553, hereafter referred to as ‘Menezes’).

As the Examiner correctly noted in Office Action mailed on May 14, 2008, both the Diehl reference and the present invention share a common inventor (Jean-Pierre Andreaux). In addition, both the Diehl reference and the present invention were owned by a common assignee Thomson Licensing L.L.C., at the time of the present invention was invented.

Under 35 U.S.C. 103c, a reference can be disqualified in a rejection under 35 U.S.C. 103(a), if the cited reference and the application in which such a reference is being applied against are owned by the same entity.

Applicants’ representative submits that US Publication 2003/0108206A1 and the Application with Serial No. 10/532, 193 were, at the time of the invention of Application Serial No. 10/532,193 was made, owned by Thomson Licensing L.L.C.

Under the USPTO policy titled “Guidelines Setting Forth a Modified Policy Concerning the Evidence of Common Ownership, or an Obligation of Assignment to the Same Person, as Required by 35 U.S.C. 103(c)”, this statement is enough to disqualify the cited Diehl reference as a 103(a) reference.

If the Examiner is of the opinion that is evidence is not sufficient, the Examiner is encouraged to directly contact the Applicants’ representative.

Applicants submit that because the Diehl reference is disqualified as a reference under 35 U.S.C. 103(a), Claims 1, 2, and 4 are patentable over the cited art of record. Applicants therefore request that the Examiner remove the rejection to these claims.

Rejection of Claims 3 under 35 U.S.C. 103(a)

The Examiner rejected Claim 3 as being unpatentable over Diehl, in view of Menezes, and in further view of Fischer (U.S. Patent 5,475,826). Applicants disagree with this ground of rejection.

Specifically, Claim 3 is patentable over the cited art of record in that the Diehl reference, should be disqualified as a 103(a) reference, under 35 U.S.C. 103(c), as the Diehl reference and the present invention were owned by the same entity at the time of the present invention was invented. If this is case, then Claim 3 is patentable over the cited art of record and Applicants request that the Examiner remove to this claim.

Having fully addressed the Examiner’s rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant’s attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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It is believed that no fees are owed in connection with this amendment and response. If such fees are owed, please charge Deposit Account 07-0832.

Respectfully submitted,
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